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FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER POE, KEVIN T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,703	Applicant(s) THOMAS, TRACEY R.	
	Examiner KEVIN POE	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's communication of September 30, 2008. Claims 1-20 are pending and have been examined. The rejections are stated below.

Response to Arguments

2. Applicant's arguments with respect to rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least

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Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 1-49 fail to meet the above requirements because the claims fail to tie in another statutory class of invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **1, 2, 9, 12-16, 22, 24-25, 30-31, 33-37, 39-40, 46, and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and further in view of **Brown et al. [US Pub No. 2008/0005021 A1]**.

7. Regarding **claim 1**, VanLeeuwen discloses a method of allocating income to a user savings account and to payees, said method including: receiving user financial information, (0072) wherein said financial information includes at least one of user income information related to user income, user income source information related to

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user income sources, user debt information related to user debts to payees and user goal information related to user goals (0044).

VanLeeuwen discloses providing at least one recommendation, wherein said recommendation includes suggestions for minimizing user debt payments and maximizing user savings (0043).

VanLeeuwen discloses establishing a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a portion of said user income allocated to said user savings account and a portion of said user income allocated to said user debts (0086-0087). VanLeeuwen discloses acquiring user income (0025).

VanLeeuwen does not explicitly disclose where said user income is acquired via at least one transfer. However Jennings teaches a system and method for allowing funds to be transferred instantly to an account so that the funds are available to the beneficiary at the time they are sent, based on customer information which can be automatically accessed by the system, rather than needing to be manually entered (abstract). At the time of the invention one would have been motivated to modify the disclosure of VanLeeuwen to include the teachings of Jennings to obtain invention as specified in claim 1. The rationale to combine the teachings is that the system can be understood and accessed by individuals having no special expertise in computers, wire transfers and the like.

VanLeeuwen does not explicitly disclose transferring a first portion of said user income, based at least in part upon said payment hierarchy, to said user savings

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account; and transferring a second portion of said user income, based at least in part upon said payment hierarchy, to at least one of the payees after the first portion is transferred. However Brown teaches transferring a first portion of said user income, based at least in part upon said payment hierarchy, to said user savings account; and transferring a second portion of said user income, based at least in part upon said payment hierarchy, to at least one of the payees after the first portion is transferred (0172 and 0309). At the time of the invention one would have been motivated to modify the disclosure of VanLeeuwen to include the teachings of Brown to obtain invention as specified in claim 1. The rationale to combine the teachings would be a more efficient method of money management.

8. Regarding **claim 2**, the limitation of claim 1 is covered above. VanLeeuwen teaches analyzing a balance of funds in said user account. [0027]

9. Regarding **claim 9**, the limitation of claim 1 is covered above. VanLeeuwen further discloses providing a user interface configured to allow said user to view at least one of said recommendations, said payment hierarchy and transfer information. [0087]

10. Regarding **claim 12**, the limitation of claim 1 is covered above. VanLeeuwen further discloses tracking at least one of said user income, user goal information and transfers of user income. [0069-0070]

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11. Regarding **claim 13**, the limitation of claim 1 is covered above. VanLeeuwen discloses revising said user goal information based in part on said recommendation.

[0070-0071]

12. Regarding **claim 14**, the limitation of claim 1 is covered above. VanLeeuwen discloses analyzing user goal information. [0069]

13. Regarding **claim 15**, the limitation of claim 1 is covered above. VanLeeuwen discloses analyzing user goal information based upon at least one of user income information, user debt information and financial planning information. [0069]

14. Regarding **claim 16**, the limitation of claim 1 is covered above. VanLeeuwen discloses analyzing user goal information and providing suggested revisions to said goal information. [0069]

15. Regarding **claim 22**, the limitation of claim 1 is covered above. VanLeeuwen discloses receiving user financial information includes receiving user financial information via webpage entries. [0024]

16. Regarding **claim 24**, the limitation of claim 1 is covered above. VanLeeuwen discloses providing at least one recommendation includes a recommendation which includes at least one of prioritizing payment of bills, partial payment of bills, determining

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when to pay at least one bill and determining an amount to pay for at least one bill.

[0046]

17. Regarding **claim 25**, the limitation of claim 1 is covered above. VanLeeuwen discloses providing at least one recommendation includes providing at least one recommendation based upon at least one of bill priority information, user goal information, user debt information, minimum amounts due, penalties, interest rates, due dates, available user income, user override selection and user historic selections.

[0045]

18. As per **claim 30**, the limitation of claim 1 is covered above. VanLeeuwen discloses acquiring user income includes receiving a combined remittance, which includes a debt payment and a savings amount. [0073]

19. Regarding **claim 31**, the limitation of claim 1 is covered above. VanLeeuwen discloses acquiring user income includes receiving a combined remittance which includes a debt payment and a savings amount, applying hierarchy rules to said combined remittance to determine a portion to be allocated to said user debts and a portion to be allocated to said user savings account. [0073]

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20. As per **claim 33**, the limitation of claim 1 is covered above. VanLeeuwen disclose said user income includes at least one of monetary income, non-monetary income, asset, benefit, paycheck, salary, bonuses, commissions, purchase rebate, tax rebates, property, goods, social security, welfare, alimony, child support, rental in-come, securities-related income, gambling winnings, credits, loyalty points, reward points, coupons, and entry passes. [0072]

21. In regards to **claim 34**, the limitation of claim 1 is covered above. VanLeeuwen discloses said user income is obtained from at least one of said user and a third party. [0072]

22. In regards to **claim 35**, the limitation of claim 1 is covered above. VanLeeuwen discloses user income source information includes at least one of income source demographic data, income amount, days of month when income received, date when receive income, income source routing data, amount of income during a particular timeframe, bonus information, tax refund information, estimated commission information, estimate of the amounts of non-periodic income and dates when non-periodic income will be received. [0072]

23. In regards to **claim 36**, the limitation of claim 1 is covered above. VanLeeuwen discloses user debts include at least one of monetary liability, non-monetary liability, bills, car payments, loans, mortgages, purchases, voluntary payments, alimony, child

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support, payment plans, lines of credit, financial losses, gambling losses, and responsibilities. [0034-0036]

24. As per **claim 37**, the limitation of claim 1 is covered above. VanLeeuwen discloses user debt information includes at least one of bill information, name and address of payees, payee account routing information, amount of bills, minimum amounts due, due date, and periodic payment plan information. [0047]

25. Regarding **claim 39**, the limitation of claim 1 is covered above. VanLeeuwen discloses user goal information includes at least one of amounts the user desires to pay himself, a financial amount, a limit, milestone, threshold, objective, aspiration, amount of money needed for a vacation, a major purchase, holiday gifts, education, retirement, a common goal for a group. [0069]

26. Regarding **claim 40**, the limitation of claim 1 is covered above. VanLeeuwen discloses user goal information includes at least one of a one-time total amount, a pre-established amount for a limited time period, a pre-established amount for a continuing time period, a periodic amount which results in a total savings by a certain date, increasing amount, and decreasing amount. [0069 and 0074]

27. Regarding **claim 46**, claim 46 recites similar language as to claim 1 and is rejected on the same grounds.

28. Regarding **claim 48**, claim 48 recites similar language as to claim 1 and is rejected on the same grounds.

29. Claims **3-4**, **6-7** and **47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Mendiola et al. [US Pub No. 2005/0044042 A1.]**

30. Regarding **claim 3**, the limitation of claim 1 is covered above. VanLeeuwen discloses analyzing a balance of funds in said user account [See page 2, paragraph 0027]. Vanleeuwen does not expressly disclose allowing said transferring [[step]] steps upon confirmation of sufficient funds. However Mendiola et al. teaches the bank server then checks the balance of the account corresponding to the CAN with the specified amount of the transaction, and if sufficient funds are available in the account to enable the transaction to proceed, effects the transfer to the common account. [0196]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Mendiola et al. to obtain invention as specified in claim 3. The rationale to combine the teachings would be to provide an efficient and flexible system and method for performing financial transactions.

31. Regarding **claim 4**, the limitation of claim 1 is covered above. VanLeeuwen discloses analyzing a balance of funds in said user account [See page 2, paragraph 0027]. Vanleeuwen does not expressly disclose allowing said transferring [[step]] steps upon confirmation of sufficient funds. However Mendiola et al. teaches the bank server then checks the balance of the account corresponding to the CAN with the specified amount of the transaction, and if sufficient funds are available in the account to enable the transaction to proceed, effects the transfer to the common account. [0196]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Mendiola et al. to obtain invention as specified in claim 4. The rationale to combine the teachings would be to provide an efficient and flexible system and method for performing financial transactions.

32. Regarding **claim 6**, the limitation of claim 1 is covered above. VanLeeuwen does not expressly disclose notifying at least one of said user, payee and third party regarding at least on of said acquiring step and said transfer [[step]] steps. However Mendiola teaches the bank server then checks the balance of the account corresponding to the CAN with the specified amount of the transaction, and if sufficient funds are available in the account to enable the transaction to proceed, effects the transfer to the common account. The bank server then communicates with the host

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server affirming that the first stage of the transaction with the bank of Party A has been effected. [0196-0197]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Mendiola et al. to obtain invention as specified in claim 6. The rationale to combine the teachings would be to provide an efficient and flexible system and method for performing financial transactions.

33. Regarding **claim 7**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose notifying at least one of said user, payee and third party prior to said transfer [[step]] steps. However Mendiola teaches the bank server then checks the balance of the account corresponding to the CAN with the specified amount of the transaction, and if sufficient funds are available in the account to enable the transaction to proceed, effects the transfer to the common account. The bank server then communicates with the host server affirming that the first stage of the transaction with the bank of Party A has been effected. [0196 - 0197]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Mendiola et al. to obtain invention as specified in claim 7. The rationale to combine the teachings would be to provide an efficient and flexible system and method for performing financial transactions.

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34. Regarding **claim 47**, the limitation of claim 46 is covered above. VanLeeuwen does not explicitly disclose approving step includes at least one of pre-approving all transfers and approving each transfer. However Mendiola teaches the bank server then checks the balance of the account corresponding to the CAN with the specified amount of the transaction, and if sufficient funds are available in the account to enable the transaction to proceed, effects the transfer to the common account. The bank server then communicates with the host server affirming that the first stage of the transaction with the bank of Party A has been effected. [0196 - 0197]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Mendiola et al. to obtain invention as specified in claim 47. The rationale to combine the teachings would be to provide an efficient and flexible system and method for performing financial transactions.

35 **Claims 5 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Maritzen et al. [US Pub No. 2002/0026423 A1.]**

36 Regarding **claim 5**, the limitation of claim 1 is covered above. VanLeeuwen discloses analyzing a balance of funds in said user account [See page 2, paragraph 0027]. Vanleeuwen does not expressly disclose upon confirmation of insufficient funds,

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at least one of requesting user to modify said payment hierarchy, suggesting modifications to said payment hierarchy and automatically modifying said payment hierarchy. However Maritzen et al. teaches prior to performing the automatic transfer, the system would compare the checking balance against the threshold and if the balance was found to be less than the transaction threshold then the automatic monthly transfer to savings would be postponed and the consumer notified. It will be appreciated that the aforementioned mechanism provides an additional method for prioritizing cash disbursements. In addition, a related field allows the direct assignment of priorities in relation to the disbursement of funds pursuant to the available cash threshold. Additionally, information relating to normal parameters of the transaction are provided, such as the interval of payments, the time of month, or year, that the bill should be paid and similar criterion for selecting items for automatic payment. Furthermore, options are provided to facilitate informing the user of specific issues which arise and for requesting user verification of certain transactions prior to execution.

[0056]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Maritzen et al. to obtain invention as specified in claim 5. The rationale to combine the teachings would be to provide automatic, no-click, payment of invoices and bills.

37 Regarding **claim 8**, the limitation of claim 1 is covered above. VanLeeuwen does not expressly disclose notifying at least one of said user, payee and third party

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prior to said transfer step and obtaining authorization from at least one of said user, payee and third party prior to said transfer [[step]] steps. However Maritzen et al. teaches the user may establish a set of notification conditions and parameters, such that they may be notified by the means they specify to any event occurring within the system. Examples of notification can include, bills exceeding the stated limits, multiple vendor payment requests, along with events that are indicated within the bill itself.

[0046]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Maritzen et al. to obtain invention as specified in claim 8. The rationale to combine the teachings would be to provide automatic, no-click, payment of invoices and bills.

38 **Claims 10 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Armes et al. [US Pub No. 2002/0023549 A1.]**

39 Regarding **claim 10**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose providing statements to said user, wherein said statements include at least one of user savings account balance, user savings account deposits and user debt payments. However Armes et al. teaches administrator configured to perform the step of providing a statement indicating funds stored in the consolidated

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account and administrator configured to perform the step of providing a statement indicating payments made from the consolidated account. [See page 11, paragraphs 31-32]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Armes et al. to obtain invention as specified in claim 10. The rationale to combine the teachings would be to provide a consolidated account configured to store value and make a payment with the stored value.

40 Regarding **claim 43**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose user account includes at least one of income source data, date of in-come deposit, date of income receipt, amounts owed from particular income sources, amounts deposited in the user savings account, and dates of deposits in user savings account. However Armes et al. teaches administrator configured to perform the step of providing a statement indicating funds stored in the consolidated account and administrator configured to perform the step of providing a statement indicating payments made from the consolidated account. [See page 11, paragraphs 31-32]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Armes et al. to obtain invention as specified in claim 43. The rationale to combine the teachings would be to provide a consolidated account configured to store value and make a payment with the stored value.

41 **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Elterich [US Pub No. 2005/0149436 A1.]**

42. Regarding **claim 11**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose receiving at least one of pre-approval of all transfers and approval of each transfer. However Elterich discloses prior to transferring funds into one or more accounts in the set of personal financial accounts, transmitting a message to the user that seeks user approval for the transfer of funds and transmitting a notification message to the user; the notification message indicating a transfer of funds into or out of the account and transmitting the notification message to the user. [See page 6, paragraph 11]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Elterich to obtain invention as specified in claim 11. The rationale to combine the teachings would be to automatically managing a financial account of a user maintained at one or more third party institutions.

43 **Claims 17-19, 21, and 41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings**

et al. [US Patent No. 5,659,165] and **Brown et al. [US Pub No. 2008/0005021 A1]**
and further in view of **Brose et al. [US Pub No. 2005/0004856 A1.]**

44 Regarding **claim 17**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose analyzing user goal information using probability modeling. However Brose et al. discloses the system includes probability modeling which facilitates the determination of the probability for successfully achieving identified personal financial goals based upon at least one of thousands of hypothetical projections of each of several types of scenarios, which may include, for example, scenarios such as the premature death, disability, retirement, and/or long-term care needs of any member of a particular household or other economic group. [0019]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Brose et al. to obtain invention as specified in claim 17. The rationale to combine the teachings would be to developing a customized strategy for financial planning of a user.

45 Regarding **claim 18**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose analyzing user goal information using probability modeling, wherein said probability modeling includes: forecasting the effects of a proposed situation portfolio on user income; monitoring at least one of the integrating, comparing, and analyzing the data steps; simulating at least one of the integrating, comparing, and analyzing the data steps; designing at least one of the integrating, comparing, and

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analyzing the data steps; and testing at least one of the integrating, comparing, and analyzing the data steps. However Brose et al. discloses analyzing user goal information using probability modeling, wherein said probability modeling includes: forecasting the effects of a proposed situation portfolio on user income; monitoring at least one of the integrating, comparing, and analyzing the data steps; simulating at least one of the integrating, comparing, and analyzing the data steps; designing at least one of the integrating, comparing, and analyzing the data steps; and testing at least one of the integrating, comparing, and analyzing the data steps. [See abstract]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Brose et al. to obtain invention as specified in claim 18. The rationale to combine the teachings would be to developing a customized strategy for financial planning of a user.

46 Regarding **claim 19**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose receiving user financial information includes receiving user financial information from at least one of said user and a third party database. However Brose et al. discloses the system of the invention, as well as any of its component systems, may include a host server or other computing system, including a processor for processing digital data, a memory in communication with the processor for storing digital data, an input digitizer in communication with the processor for inputting digital data, an application program stored in the memory and accessible by the processor for directing the processing of digital data by the processor, a display in communication

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with the processor and memory for displaying information derived from digital data processed by the processor and a plurality of databases, the databases including client data, merchant data, financial institution data and/or like data that could be used in association with the present invention. [0019]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Brose et al. to obtain invention as specified in claim 19. The rationale to combine the teachings would be to developing a customized strategy for financial planning of a user.

47 Regarding **claim 21**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose receiving user financial information includes receiving user income from at least one of said user and said user income source. However Brose et al. discloses user submits data to financial advisor and/or server via communication channels. The data may include user financial information (e.g., current and expected income, expenses, liabilities, assets, policies, taxes, Social Security/social pension, social pension information, company pension, and/or the like), user personal information (e.g., marital status, date of birth, age, occupation, lifestyle, family members, and/or the like), user goals, System assumptions, user risk tolerance, and/or the like. [0021]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Brose et al. to obtain invention as specified in claim 21. The rationale to combine the teachings would be to developing a customized strategy for financial planning of a user.

48 Regarding **claim 41**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose user goal information is created by at least one of user entry, random generation, a formula, and system selection and a third party. However Brose et al. discloses user submits data to financial advisor and/or server via communication channels. The data may include user financial information (e.g., current and expected income, expenses, liabilities, assets, policies, taxes, Social Security/social pension, social pension information, company pension, and/or the like), user personal information (e.g., marital status, date of birth, age, occupation, lifestyle, family members, and/or the like), user goals, System assumptions, user risk tolerance, and/or the like. [0021]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Brose et al. to obtain invention as specified in claim 41. The rationale to combine the teachings would be to developing a customized strategy for financial planning of a user.

49 Regarding **claim 42**, the limitation of claim 1 is covered above. Vanleeuwen does not explicitly disclose user goal information is entered before at least one of entering user debt information and entering income amounts. However Brose et al. discloses user submits data to financial advisor and/or server via communication channels. The data may include user financial information (e.g., current and expected income, expenses, liabilities, assets, policies, taxes, Social Security/social pension, social pension information, company pension, and/or the like), user personal information

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(e.g., marital status, date of birth, age, occupation, lifestyle, family members, and/or the like), user goals, System assumptions, user risk tolerance, and/or the like. [0021]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Brose et al. to obtain invention as specified in claim 42. The rationale to combine the teachings would be to developing a customized strategy for financial planning of a user.

50 **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Bent et al. [US Pub No. 2005/0228733 A1.]**

51 Regarding **claim 20**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose receiving user financial information includes receiving user income and depositing user income in a user account. However Bent et al. discloses a new account becomes part of an existing bank deposit account that collects earned income which transfers the client's income to the client's accounts; of course at some time the deposit account must be established with clients' funds. [See page 2, paragraph 20]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Bent

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et al. to obtain invention as specified in claim 20. The rationale to combine the teachings would be to manage a plurality of demand accounts.

52. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Atkins [US Patent No. 5,875,437.]**

53. Regarding **claim 23**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose receiving user financial information includes receiving user financial information via a menu driven interactive procedure. However Atkins discloses the individual uses the menu of financial information to report her qualifications including financial and employment background, assets owned, anticipated income, and the like. [Column 39, lines 20-23]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Atkins to obtain invention as specified in claim 23. The rationale to combine the teachings would be for affecting an improved personal financial analysis.

54. **Claims 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent**

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No. 5,659,165] and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Savage et al. [US Patent No. 7,236,950 B2.]**

55. Regarding **claim 26**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose establishing a payment hierarchy includes at least one of said user, guardian, government entity and third party establishing at least a portion of said payment hierarchy. However Savage et al. discloses the account management system maintains the balance, calculates charges and fees, calculates past due amounts and maintains the payment hierarchy. [Column 24, lines 7-10]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Savage et al. to obtain invention as specified in claim 26. The rationale to combine the teachings would be increasing the value to the end consumer by affording the convenience and simplicity of one simple statement.

56. Regarding **claim 27**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose establishing a payment hierarchy includes providing a capability to alter said payment hierarchy. However Savage et al. discloses the account management system maintains the balance, calculates charges and fees, calculates past due amounts and maintains the payment hierarchy. [Column 24, lines 7-10]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of

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Savage et al. to obtain invention as specified in claim 27. The rationale to combine the teachings would be increasing the value to the end consumer by affording the convenience and simplicity of one simple statement.

57. Regarding **claim 28**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose establishing a payment hierarchy includes pre-established hierarchy requirements. However Savage et al. discloses the account management system maintains the balance, calculates charges and fees, calculates past due amounts and maintains the payment hierarchy. [Column 24, lines 7-10] Savage et al. discloses maintaining the payment hierarchy includes determining the business rules and allocating payments to products. [Column 24, lines 17-19]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Savage et al. to obtain invention as specified in claim 28. The rationale to combine the teachings would be increasing the value to the end consumer by affording the convenience and simplicity of one simple statement.

58. Regarding **claim 29**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose establishing a payment hierarchy includes establishing a payment hierarchy, which includes rules related to the amount of a bill to be paid. However Savage et al. discloses maintaining the payment hierarchy includes

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determining the business rules and allocating payments to products. [Column 24, lines 17-19]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Savage et al. to obtain invention as specified in claim 29. The rationale to combine the teachings would be increasing the value to the end consumer by affording the convenience and simplicity of one simple statement.

59. **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Cataline et al. [US Pub No. 2007/0123949]**.

60. Regarding **claim 32**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose acquiring said user income includes allowing said user to transfer said user income. However Cataline discloses a user may manipulate a graphical user interface to transfer funds between accounts, direct a wire payment to a third party, redeem securities or perform other transaction functions. [0005]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Cataline et al. to obtain invention as specified in claim 32. The rationale to combine the

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teachings would be for selectively performing payment and other transactions from a variety of sources.

61. **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Fleming [US Patent No. 5,953,710.]**

62. Regarding **claim 38**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose user debt may be owed by at least one of said user and a third party. However Fleming discloses the method and system allow: a parent to make changes in the child's available credit without changing the total combined credit limit and available credit for the child's and parent's credit card accounts and without requiring bank approval; the child's purchases to be included in the parent's statement; the parent to enable the child to make purchases unlimited in number, a limited number of purchases, or no purchases; and the parent to make a single payment for both the child's and the parent's credit card accounts. [Column 3, lines 14-25]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Fleming to obtain invention as specified in claim 38. The rationale to combine the teachings would be providing a supervised account.

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63. **Claim 44** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Cummings et al. [US Pub No. 2003/0216996 A1.]**

64. Regarding **claim 44**, the limitation of claim 1 is covered above. VanLeeuwen does not explicitly disclose user savings account includes at least one of a financial account, savings account, checking account, money market account, loyalty account, a security, a financial transaction instrument, stored value card, charge card, smart card, transponder, negotiable instrument, and coupon. However Cummings et al. discloses the authorized payments may be processed from a financial account designated by the customer, such as a checking account, a savings account, a debit account and a credit card account. [0031]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Cummings et al. to obtain invention as specified in claim 44. The rationale to combine the teachings would be to allow a third party system to bypass a financial interchange network to make payments to a merchant on behalf of a customer.

65. **Claim 45** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent**

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No. 5,659,165] and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **Schiach [US Pub No. 2004/0230448 A1.]**

66. Regarding **claim 45**, the limitation of claim 1 is covered above. Vanleeuwen does not explicitly disclose said user savings account restricts check-writing privileges, withdrawals, loans, and purchases. However Schiach disclose additional sources of financial information include, but are not limited to, brokerage accounts, 401k accounts, individual retirement accounts (IRAs), savings accounts and money market accounts.
[0005]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Schiach to obtain invention as specified in claim 45. The rationale to combine the teachings would be to reporting and managing financial account activity.

67. **Claim 49** is rejected under 35 U.S.C. 103(a) as being unpatentable over **VanLeeuwen [US Pub No. 2002/0123949 A1]** in view of **Jennings et al. [US Patent No. 5,659,165]** and **Brown et al. [US Pub No. 2008/0005021 A1]** and further in view of **National Post (January 29, 2004) 'Pay Yourself First' still works by Jonathan Chevreau.**

68. Regarding **claim 49**, the limitation of claim 48 is covered above. VanLeeuwen does not explicitly disclose transferring step includes providing a recommendation to

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said user for said user to transfer said user income into said user savings account prior to transferring user income to said user debts. However National Post discloses the one pillar of personal finance that seems to be universally accepted is the concept of "Pay Yourself First." That means putting aside at least 10% of your net income into safe investments which grow. [See pg. IN.01.F]

At the time of the invention it would have been obvious to one having ordinary skill in the art to modify the disclosure of VanLeeuwen to include the teachings of Chevreau to obtain invention as specified in claim 49. The rationale to combine the teachings would be paying yourself first is one pillar of personal finance that seems to be widely accepted.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN POE whose telephone number is (571)272-9789. The examiner can normally be reached on Monday-Friday 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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ktp